IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 4549 of 2007(N)

PETITIONER:

D. PRASANTH, S/O.DEVADAS,
AGED 32 YEARS, TRADESMAN (COMPUTER ENGINEERING)
GOVERNMENT ENGINEERING COLLEGE,
PAINAVU, IDUKKI DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. THE DIRECTOR OF TECHNICAL EDUCATION,
TRIVANDRUM.

3. THE PRINCIPAL, GOVERNMENT
ENGINEERING COLLEGE, PAINAVU,
IDUKKI DISTRICT.

4. THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY,
P.O. PATTOM PALACE, TRIVANDRUM.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.4549 OF 2007

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Dated this the 12th day of February, 2007

JUDGMENT

Case of the petitioner is as follows:

He is working as Tradesman and is qualified to be promoted as Trade Inspector and as per the draft rules direct recruitment is permissible only in the absence of Tradesman, feeder category. In a similar case, namely, W.P.(C) 3585 of 2007 in the counter affidavit filed the Government has taken the following stand.

> "It is submitted that as per the existing Rules, the first method of appointment of Trade Instructor is by promotion from the category of qualified Tradesman. In the absence of qualified hands for promotion by direct recruitment through the PSC is restored to by the Department. It is submitted that as per the Special Rules, the petitioners are entitled to be considered against any vacancy that arises after declaration of their probation in the post of Tradesman.
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> Earlier, due to the non-availability of qualified hands for promotion as Trade Instructors, certain vacancies of Trade Instructors were reported to the PSC. But now, certain vacancies arose consequent on promotion and it is

> submitted that they will be filled up only by promotion from among the qualified hands of Tradesman in Computer. Hence it is prayed that this Honourable Court may be pleased to pass appropriate orders in this writ petition."

Learned Government Pleader submits that same position will apply in the facts of this case also.

The writ petition is disposed of recording the stand taken in the counter affidavit as aforesaid.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.